

<p>Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address Linda F. Cantor (CA Bar No. 153762) Pachulski Stang Ziehl & Jones LLP 10100 Santa Monica Boulevard, 13th Floor Los Angeles, CA 90067 Telephone: 310/277-6910 Facsimile: 310/201-0760 Email: lcantor@pszjlaw.com</p> <p>Attorneys for Weneta Kosmala, Chapter 7 Trustee</p> <p><input checked="" type="checkbox"/> Attorney for Movant <input type="checkbox"/> Movant(s) appearing without an attorney</p>	<p>FOR COURT USE ONLY</p>
<p style="text-align: center;">UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION</p>	
<p>In re: THE TULVING COMPANY, INC., a California corporation, Debtor(s).</p>	<p>CASE NO.: 8:14-bk-11492-ES CHAPTER: 7</p> <p>NOTICE OF MOTION AND MOTION UNDER LBR 2016-2 FOR APPROVAL OF CASH DISBURSEMENTS BY THE TRUSTEE; OPPORTUNITY TO REQUEST HEARING; AND DECLARATION OF TRUSTEE</p> <p>[No hearing unless requested under LBR 9013-1(o)]</p>

TO PARTIES IN INTEREST:

PLEASE TAKE NOTICE that the duly-appointed chapter 7 trustee has filed the following motion for court approval of the trustee's request to make cash disbursements. The court may grant the motion authorizing expenditure of estate funds without a hearing unless you file with the court and serve upon the trustee and the United States trustee a written objection to the motion explaining all of the reasons for the opposition **WITHIN 14 DAYS AFTER THE DATE OF SERVICE OF THIS NOTICE OF MOTION AND MOTION**, plus 3 additional days if you were served by mail, electronically, or pursuant to F.R.Civ.P. 5(b)(2)(D), (E), or (F). If an objection is timely filed, the trustee will set the matter for hearing and notify you of the date and time of the hearing. Failure to object may be deemed consent to interim authorization of the expenses requested by the trustee.

The trustee moves for an order authorizing cash disbursements from property of the estate as follows:

1. A brief summary of the case is attached as Exhibit A.
2. The estimated date for submitting a final report is 10/31/2018.

3. Cash disbursements period: October 1, 2017 to November 30, 2017
4. A detailed analysis and justification of the trustee's expenses is included in Exhibit B.
5. Final approval of all expenditures will be sought when the trustee files a Final Account and Report (including those paid in accordance with LBR 2016-2).

Date: Sept. 21, 2017

/s/ Linda F. Cantor

Linda F. Cantor

Attorneys for Weneta M. A. Kosmala, Chapter 7 Trustee

DECLARATION OF TRUSTEE

I, Weneta M. A. Kosmala, the duly appointed chapter 7 trustee, have prepared the foregoing motion to make cash disbursements and believe the amounts specified in each category are reasonable and necessary for an effective and efficient administration of the estate. If this motion proves to be inaccurate or infeasible, I will submit corrected motions as necessary.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Sept. 19 2017 Weneta M.A. Kosmala
Date Printed Name

[Handwritten Signature]
Signature

EXHIBIT A

BRIEF SUMMARY OF CASE:

This cash disbursement motion is filed pursuant to LBR 2016-2 of the United States Bankruptcy Court, Central District of California.

Background:

The Tulving Company, Inc. ("Debtor") is a California corporation. The Debtor was in the business of selling and purchasing gold, silver, coins, bullion, and other precious metals through its internet website or by phone.

The Debtor ceased operations on or about March 3, 2014 and filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code on March 10, 2014. On March 21, 2014, R. Todd Neilson was appointed Trustee of the Debtor's estate [Docket No. 22]. Two months later, upon notice and hearing, the Trustee moved to convert this case to a chapter 7 and Mr. Neilson was appointed to serve as the chapter 7 Trustee (the "Former Trustee") [Docket 108]. On March 22, 2016, the Former Trustee filed his Withdrawal of Trustee [Docket 564]. On April 1, 2016, the United States Trustee filed its Notice of Appointment of Trustee and Fixing Bond appointing Weneta M. A. Kosmala as the successor chapter 7 Trustee [Docket 566] (the "Chapter 7 Trustee").

Mediation Expenses:

On or about March 14, 2016, the Former Trustee filed complaints against Armen Haig Gugasian and Levon Gugasian ("Defendants"), bearing adversary numbers 8:16-ap-01083-ES and 8:16-ap-01084-ES, respectively, seeking the avoidance and recovery of fraudulent transfers and objections to claims (the "Actions"). The Former Trustee alleged, among other things, that the Debtor made a series of payments to or for the benefit of Defendants as purported compensation for services provided by Defendants to or for the benefit of Debtor when Defendants in reality had provided no such services, or anything else of value.

The parties engaged in mediation in August 2016 before Robin L. Itkin, mediator, but did not reach a settlement. Defendants have new counsel. The parties have determined to engage in a second mediation before the Honorable Mitchel Goldberg, Ret. (the "Mediation"). The Mediation is scheduled for November 3, 2017. Assuming the mediation spans a full day (8 hours) the Mediation fees will total \$7,200 (the "Mediation Fees"). The Defendants and the Chapter 7 Trustee have agreed to share the cost of the Mediation Fees. Therefore, the Chapter 7 Trustee is seeking authorization to disburse funds in the amount of \$3,600 to cover the estate's portion of the Mediation Fees.

Funds in the Estate:

As of August 31, 2017, there is a total of \$630,194.13 in funds held by the estate. There are no known secured claims against the estate's assets and no party has asserted an interest in cash collateral. In addition to cash on hand and the Actions, the estate holds certain coins to be auctioned and claims against former clients of the Debtor.

Exhibit B

Expenses During the Cash Disbursement Period

Mediation Expenses:

\$3,600 (Estate's 50% portion of Mediation Fees payable in October / November 2017 for the services of mediator Honorable Mitchel Goldberg, Ret, for the Mediation scheduled for November 3, 2017).

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: **10100 Santa Monica Blvd., 13th Floor, Los Angeles, CA 90067**

A true and correct copy of the foregoing document entitled **NOTICE OF MOTION AND MOTION UNDER LBR 2016-2 FOR APPROVAL OF CASH DISBURSEMENTS BY THE TRUSTEE; OPPORTUNITY TO REQUEST HEARING; AND DECLARATION OF TRUSTEE** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On September 21, 2017, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On On September 21, 2017, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL
(state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on On September 21, 2017, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Via Federal Express

The Honorable Erithe A. Smith
United States Bankruptcy Court
Central District of California
Ronald Reagan Federal Building and Courthouse
411 West Fourth Street, Suite 5040
Santa Ana, CA 92701-4593

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

September 21, 2017

Date

Janice G. Washington

Printed Name

/s/Janice G. Washington

Signature

1 **1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):**

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This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

2. **SERVED BY UNITED STATES MAIL**

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